

Application Serial No.: 09/956,997

Attorney Docket No.: 47004.000172

REMARKS

Claims 1-13, 17-28, 30-38 and 40-48 are pending in this application. By this amendment, claims 1, 24, 40 and 42 are amended, claims 45-48 are added, and claims 14-16, 29 and 39 are canceled without prejudice or disclaimer to the subject matter set forth therein. Reconsideration and allowance in view of the following remarks are respectfully requested. No new matter has been added by this Amendment.

1. THE ALLOWABLE SUBJECT MATTER

In paragraph 17, and on the cover page, the Office Action reflects that claim 38 is in condition for allowance. Also, in paragraph 3, the Office Action indicates that claims 15-16 and 43-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Such indication of allowable subject matter is appreciated. In response to such indication, the application has been amended as follows:

Claim 45 is added and includes features of claims 1, 14 and 15;

Claim 46 is added and includes features of claims 1, 14 and 16;

Claim 47 is added and includes features of claims 1 and 43; and

Claim 48 is added and includes features of claims 1 and 44.

However, Applicant notes paragraph 42 of the Office Action. Therein, the Office Action reflects that claims 14-16 are rejected under 35 U.S.C. §103. Accordingly, such rejection is inconsistent with the noted indication of allowable subject matter. Clarification is respectfully requested.

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II. THE CLAIMS SATISFY 35 U.S.C. §112

In paragraph 5, claims 40-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The Office Action asserts that the specification, while being enabling for the system for entry of two part personal identification, does not reasonably provide enablement for how the system of claim 40 distinguishes the difference between the first person and the second person and there is no teaching in the specification that would clarify such distinguishing mechanism to differentiation between the two persons as they would enter the "a first partial personal identification entry and a second partial personal identification entry". The Office Action asserts that there is no teaching or hint in the specification that would prevent one person to enter the two portions of the personal identification. Further, the Office Action alleges the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make this distinction between the two people as they have been claimed in the claim 40. This rejection is traversed. However, the claims have been amended in response to such assertions in the Office Action and for clarity.

The Office Action asserts that there is no teaching or hint in the specification that would prevent one person to enter the two portions of the personal identification. Applicant submits that such assertion fails to set forth any basis upon which to reject the claims under 35 U.S.C. §112. Instead, such assertion appears to assert that there is no teaching in the application that would prevent an incorrect practice of the invention. §112 of course does not relate to any such requirement.

Further, the Office Action alleges the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make a distinction

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between the two people and the first and second partial personal identification entries such two people respectively are to enter. Applicant respectfully submits that such processing would have been clearly enabled to one of ordinary skill. Given the teachings of the application, it is clearly enabled to designate such two entries, and provide that two persons would enter such designated entries.

Withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

III. THE CLAIMS SATISFY 35 U.S.C. §101

In paragraph 10, claims 40-42 are rejected under 35 U.S.C. 101 asserting claim 1 is a system claim and the claimed invention is directed to non-statutory subject matter. The Office Action asserts that claims 40-42 are directed to people; and that therefore, as the claim includes within its scope a human being it is non-statutory.

The claims have been amended in response to such assertions in the Office Action. Accordingly, it is respectfully submitted that the claims satisfy 35 U.S.C. §101. Withdrawal of the 35 U.S.C. §101 rejection is respectfully requested.

IV. THE CLAIMS DEFINE PATENTABLE SUBJECT MATTER

A. The Rejection Based on Pare under 35 U.S.C. §102

The Office Action rejects claims 1-12, 18, 31-32 under 35 U.S.C. 102(e) as being thought by U.S. Patent No. 5,838,812 to David Ferrin Pare et al. (hereinafter "Pare"). Further, in paragraph 51 of the Office Action, claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare in view of U.S. Patent publication No. 2003/0037262 A 1 to Robert D. Hillhouse. These rejections are respectfully traversed.

Amended claim 1 recites wherein one of the selected alias and the selected personal identification entry includes both: a static portion, the static portion being a designated portion of

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the selected alias that is not changed; and a dynamic portion, the dynamic portion being a designated portion of the selected alias that is changed while the static portion is not changed.

Accordingly, claim 1 recites some features of previously presented claim 29. Further, claim 1 is amended to recite that the static and dynamic portions are respective designated portions. The applied art fails to fairly teach or suggest such features.

As discussed in the July 7, 2005 Response, Hillhouse in paragraphs [34] and [35] teaches to make the system more difficult to break, the network system is organized in such a way that regularly all the employees are prompted to enter a new password. Often, the system allows the users to combine a non-determined number of letters, either small or capital, and digits in their passwords. However, due to the multiplicity of the systems and the recurrence of the demand, employees often use the same password to which a number is just added. For example, the "Fido" password becomes after a change request "Fido1". Hillhouse describes that during the time period lasting between two successive modifications of a password, the password remains unchanged. A competent person may rapidly find out the password of a user and access a company's network. Hillhouse further teaches the fact that the password remains unchanged during a long period of time between two modifications renders the system insecure.

In the July 7, 2005 Response, Applicant discussed that claim 29, for example, clearly set forth a static portion and a dynamic portion of the alias. Thus, the claimed invention reflects that the alias is segregated into two portions. Hillhouse falls short of such teaching. Rather, Hillhouse merely reflects that a user might change part of a password, while leaving another part the same. However, such is different than specifying a static portion and a dynamic portion, as recited. It is submitted that the interpretation in the Office Action does not reflect a fair meaning

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of the language of the claim relating to the static and dynamic portions. Further, claim 1 has now been amended to recite features of previous claim 29.

Further, it appears that Applicants arguments regarding claim 29, as set forth in the July 7, 2005 Amendment were not addressed in the present Office Action. Now, as to the features of prior claim 29 incorporated into claim 1, Applicant requests consideration of such remarks.

Withdrawal of the 35 U.S.C. §103 based on Pare and Hillhouse, as to amended claim 1, is respectfully requested.

Claim 24, now independent, is amended to recite features of claim 1 and claim 22. Claim 24 recites "wherein after the prior personal identification entry is used a predetermined number of times, the prior personal identification entry becomes invalid, and wherein the selected personal identification entry is used the predetermined number of times before becoming invalid."

In paragraph 47 the Office Action asserts that as per claims 22-25, Pare teaches all the limitations of claim 1, and the Examiner takes Official Notice that using at least one communications method of an Internet transmission, a telephone communication, a person-to-person communication, a cellular phone system communication, a personal communications service communication and by mail to request a change of passwords or user ids in a regular bases such as changing the personal identification entry from a prior personal identification entry, as well as that the prior personal identification entry becomes invalid once it has been used a predetermined number of times, it is also well known that the number of times could be determined by the user, is old and well established practice in the security and authentication systems for better protection of users from unauthorized access.

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The Office Action asserts that it would have been obvious to one having ordinary skill in the art at the time of the invention to have incorporated such update and changes of passwords or user ids for further enhancements of authentication system to the Pare's teaching for additional security.

Applicant respectfully submits that it would have not been obvious to modify Pare with such alleged known teachings.

For example, in column 31, lines 53-63, Pare teaches that when the system receives the request, it performs a biometric identity check, and once the individual is verified, it collects the message digest encoding, the individual's biometric account number, the current time of day, the name of the document, and the identification of the BIA that gathered the signature, and stores them all in the Electronic Signatures Database (ESD). The DPC then constructs a signature code text string that consists of the ESD record number, the date, the time, and the name of the signer, and sends this signature code along with the individual's private code back to the EST. Pare teaches to check an electronic signature, the document is sent through the MD5 algorithm (known in the industry), and the resulting value together with the electronic signature codes are given to the BIA along with the requesting individual's biometric-PIC, and the message is sent to the DPC. The DPC checks each signature for validity, and responds as appropriate.

However, Pare fails to set forth any suggestion to modify itself so as to teach the features of claim 24, which recites wherein after the prior personal identification entry is used a predetermined number of times, the prior personal identification entry becomes invalid, and wherein the selected personal identification entry is used the predetermined number of times before becoming invalid.

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Further, Applicant traverses such assertion of official notice, i.e., that it is known that the prior personal identification entry becomes invalid once it has been used a predetermined number of times. The Examiner is requested to substantiate such known teaching and the manner in which such alleged teaching might be combined with Pare.

For at least the reasons set forth above, it is respectfully submitted that independent claims 1 and 24 recite patentable subject matter. Further, independent claims 38 and 39 recite patentable subject matter for reasons similar to claim 1. The dependent claims rejected also recite patentable subject matter for at least the reasons set forth above with respect to claim 1, as well as the additional features such dependent claims recite.

For the reasons discussed above, Applicant respectfully submits that the prior art fails to teach or suggest the features of the claimed invention. Reconsideration and withdrawal of the rejection under 35 U.S.C. §102 is respectfully requested.

B. The Rejection Based on Pare and Dawsani

In paragraph 42, the Office Action asserts that claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare in view of U.S. Patent Application Publication No. US 2002/0023108 to Neil Dawsani et al. (Dawsani).

However, the Office Action (page 2) indicates that claims 15 and 16 are objected to as containing allowable subject matter. Accordingly, clarification is requested.

Further, claim 14 is canceled by this Amendment. Accordingly, the rejection under 35 U.S.C. §103 based on Pare and Dawsani is obviated.

C. The 35 U.S.C. §103 Rejection Based on Pare

In the Office Action, claims 19-25 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare.

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The Office Action alleges to modify Pare in terms of both users being business entities, using a signature as identifying information, use of communication methods to change a password and the use of partial passwords. It is submitted that even if it were obvious to modify Pare as alleged in the Office Action, which it is not so admitted, such modifications would fail to cure the deficiencies of Pare as discussed above.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103 based on Pare is respectfully requested.

D. The Rejection Based on Pare and Maes

In the Office Action, claims 26-28 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare in view of U.S. Patent No. 6,016,476 to Stephen H. Maes et al. This rejection is traversed.

Applicant notes that the Office Action objects to claim 43 as containing allowable subject matter, which is inconsistent with the above rejection. Accordingly, clarification is requested.

The Office Action asserts that what is not explicitly disclosed by Pare is the system further includes a personal digital assistant, the account-holder entering the selected alias and the entered personal identification entry (information) into the personal digital assistant, the personal digital assistant then communicating the selected alias and the entered personal identification entry to the interface portion for authenticating the transaction; and wherein the interface portion includes a processing system of a cashier. The Office Action asserts that however, Maes clearly discloses the above limitations that Pare is not explicit on.

With regard to the other alleged modifications of Pare, Applicant submits that even if it were obvious to modify Pare as alleged in the Office Action so as to utilize a personal digital

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assistant in the arrangement of Pare, which it is not so admitted, such modifications would fail to cure the deficiencies of Pare as discussed above.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103 based on Pare and Maes is respectfully requested.

E. The 35 U.S.C. §103 Rejection based on Pare and Hillhouse

The Office Action asserts that claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare in view of U.S. Patent publication No. 2003/0037262 A1 to Robert D. Hillhouse. Features of claim 29 have been added to claim 1, as discussed above.

Withdrawal of the 35 U.S.C. §103 based on Pare and Hillhouse is respectfully requested.

V. CONCLUSION

For at least the reasons outlined above, Applicant respectfully asserts that the applied art fails to fairly teach or suggest the claimed invention and that the application should therefore be allowed. Favorable reconsideration and allowance of the claims are respectfully solicited.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

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Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

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